

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEROME TALLEY,

Plaintiff,

v.

MICHAEL A. BOCEK,

Defendant.

CASE NO. C15-5620 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 7), and Plaintiff Jerome Talley’s (“Talley”) objections to the R&R (Dkt. 8).

On October 1, 2015, Judge Christel issued the R&R recommending that the Court deny Talley’s motion to proceed *in forma pauperis* because he has at least three prior strikes and fails to show that he is in imminent danger of serious bodily injury. Dkt. 7. On October 13, 2015, Talley filed objections arguing the merits of his complaint. Dkt. 8.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Talley fails to show that Judge Christel's conclusions are erroneous.
4 Talley has three strikes against him and fails to even allege serious bodily injury.
5 Therefore, the Court having considered the R&R, Talley's objections, and the remaining
6 record, does hereby find and order as follows:

- 7 (1) The R&R is **ADOPTED**;
- 8 (2) Talley's motion to proceed *in forma pauperis* is **DENIED**;
- 9 (3) Talley must pay the filing fee by January 1, 2016 or this action will be
10 **DISMISSED**;
- 11 (4) Talley's other motion (Dkt. 9) is **DENIED without prejudice** and may be
12 renoted if Talley pays the filing fee; and
- 13 (5) Any new motion filed by Talley shall not be noted on the Court's calendar
14 unless the filing fee has been paid.

15 Dated this 23rd day of November, 2015.

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18 BENJAMIN H. SETTLE
United States District Judge